IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FIFTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE B. SESHASAYANA REDDY

WRIT PETITION No: 23912 of 2004

Between:

G. Jangaiah, S/o. Bala Krishnaiah,
Kodad Village and Mandal, Nalgonda District.

... PETITIONER

AND

1 The Commissioner and Director of Agriculture, A.P.,

Hyderabad.
2 The Joint Director of Agriculture, Nalgonda.
3 The Audit Officer, Nalgonda.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to

issue an appropriate writ, order or direction more particularly in the nature of writ of certiorari calling for records relating to connected with orders dt. 12.4.2004 in O.a.7583 of 1999 passed by Hon'ble Tribunal Hyderabad and quash or set aside the same.

Counsel for the Petitioner: MR.V.BRAHMAIAH CHOWDARY

Counsel for the Respondents: GP FOR SERVICES I

The Court made the following:

ORAL ORDER:- (PER BSSR,J)

The Writ Petition is filed by the applicant in O.A.No.7583 of 1999 on the file of the A.P. Administrative Tribunal, Hyderabad, questioning the order, dated 12.04.2004, whereby the learned Tribunal held that the applicant is not entitled for BCA, Additional HRA, Special C.A. during the period of deputation for further studies.

2. The petitioner is the applicant in O.A.No.7583 of 1999. He filed the O.A. questioning the proceedings No.B4/2105/96, dated 13.12.1999 issued by the 2nd respondent whereunder the applicant has been directed to refund Rs.24,025/- which he claimed towards Bad Climate Allowance, Special CA and Additional H.R.A. The petitioner while working as Field Assistant at Kakinada was deputed for higher education in Agricultural College situated at Naramvarigudem in Aswaraopet of Khammam District as an in-service candidate to study B.Sc. Agriculture. The applicant, as such, studied B.Sc. Agriculture upto December, 1996. Since the applicant claimed Bad Climate allowance, Special CA and Additional H.R.A., during the period of deputation for further studies, proceedings have been initiated to recover the same on the ground that he is not eligible to such allowances, as he has not worked in the scheduled areas.

3. The learned Tribunal after considering the material available on record and after hearing both the parties, recorded a finding that the petitioner/applicant was studying in the college during the relevant period and that he was not discharging his duties in the scheduled areas and thus he was not entitled for the special allowances as detailed above and accordingly dismissed the O.A. on 12.04.2004. Assailing the said order, the applicant has filed this Writ Petition.

4. Learned counsel for the petitioner submits that the petitioner was deputed for higher studies in scheduled areas and therefore, he was entitled to claim the Bad Climate Allowance etc. The same contention was advanced before the learned Tribunal and the learned Tribunal did not accept the same by giving cogent and convincing reasons.

5. The learned Tribunal observed in Para No.5 of the impugned order as follows:

> " After hearing the learned counsel for the applicant and the learned G.P and after going through the counter, it is seen that the Audit had taken a view that as per G.O.Ms.No.154 Finance and Planning Department, dt.14.5.93, BCA, Special CA and Addl. H.R.A are applicable only to the employees working and discharging their duties in schedule areas whereas the applicant is only studying B.Sc. Agriculture at Agriculture College, Narmavarigudem in Aswaraopet of Khammam District. These amounts were sanctioned to the applicant on his representation stating that the said Narmavarigudem of Aswaraopet Mandal wherein the College is situated is in schedule area as per Annexure to G.O.Ms.No.297, dt.28.10.91, but however, these benefits are admissible only for the employees working in agency are but not to the applicant who was studying in the college. In view of this, these amounts paid to the applicant towards BCA, Addl. H.R.A etc. were ordered to be recovered. It is also to be seen from the letter of the Accounts Officer addressed to the Commissioner and Director of Agriculture, Hyderabad, wherein it was stated that the applicant herein was deputed for higher education/Studies at the Government cost, and his headquarters is Kodad where his salary is claimed i.e. outside the schedule area and the applicant is entitled to draw pay and allowance as he was drawing in his regular post at Kodad but he is not eligible for BCA, MCA etc. The Commissioner was also asked to produce any Government orders in favour of the applicant to drop the audit objection. However, no such orders are produced."

6. Admittedly, the petitioner's headquarters is at Kodad, which is not situated in an agency area. He was only deputed for higher studies in Agricultural College situated at Naramvarigudem in Aswaraopet of Khammam District. He did not work in the scheduled areas to be eligible for claiming Bad Climate Allowance etc. The Tribunal considered the matter in right perspective and dismissed the O.A. Therefore, we see no valid grounds to interfere with the impugned order.

7. Accordingly, the Writ Petition fails and is hereby dismissed. No costs.

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G.BIKSHAPATHY, J

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B.SESHASAYANA REDDY, J

Date: 25.01.2005

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To

1 The Commissioner and Director of Agriculture, A.P.,

Hyderabad.
2 The Joint Director of Agriculture, Nalgonda.
3 The Audit Officer, Nalgonda.

4 2 CCs to the G.P. for Services I, High Court Buildings,

Hyderabad. (OUT)

5 The Registrar, A.P. Administrative Tribunal, Hyderabad.

6 2 CD copies.